

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of:)
)
LYLE, et al) Group Art Unit: 2134
)
Application No.: 09/616,469)
) Examiner: Matthew Henneghan
Filed: July 14, 2000)
)
For: SYSTEM AND METHOD)
FOR PREVENTING DETECTION OF A)
COMPUTER CONNECTION TO AN)
EXTERNAL DEVICE)
_____)

DECLARATION UNDER 37 CFR § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1540

Sir:

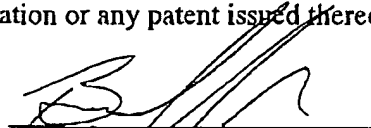
I, Brian Hernacki, declare as follows:

I am an architect at Symantec Corporation. As of July 14, 1999, I had 7 years of experience in the field of computer networking and security and I have continued to work in that field through the date of this declaration. As part of my duties at Symantec, I participate in hiring and supervising the work of engineers having from 0 to 5 years experience in the computer networking and security field, which engineers in my experience represent persons of ordinary skill in the field of computer networking and security.

I have reviewed the above-captioned application and in particular, page 39, line 15 to page 41, line 2. A person of ordinary skill in the art in the field of computer networking and security at the time the invention was made would have known that in the case of ICMP the specific message that would signify a port not

being in use is an ICMP packet of Type 3, Code 3, "Port Unreachable". This is particularly true in the context of the overall disclosure, which discloses preventing a remote user of a computer from discovering that the computer is in communication with an external device via the port in question.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Brian Hernacki

2/22/05

Date